



# Maryland

## Department of the Environment

Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Grumbles  
Secretary

November 1, 2016

The Honorable Edward J. Kasemeyer  
Chair, Senate Budget and Taxation Committee  
Miller Senate Office Building, 3 West  
11 Bladen Street  
Annapolis, MD 21401

The Honorable Maggie McIntosh  
Chair, House Appropriations Committee  
House Office Building, Room 121  
6 Bladen Street  
Annapolis, MD 21401

Dear Senator Kasemeyer and Delegate McIntosh:

The Maryland Department of the Environment (MDE) and the Judiciary are submitting the report on coordination between MDE and the Judiciary on the Reduction of Lead Risk in Housing Act data as required in the 2016 Joint Chairmen's Report. MDE and the Judiciary were requested to collaborate on a report discussing how data on rental property compliance will be shared and how testimony by rental property owners may be checked against MDE's data for cases that come before the rent court.

The Judiciary and MDE have discussed data sharing with regard to the status of rental properties required to comply with Maryland's Reduction of Lead Risk in Housing Act. MDE oversees and administers the Lead Poisoning Prevention Program, including the enforcement of laws and regulations that seek to reduce the incidents of lead poisoning. Owners of Affected Properties are subject to inspection, registration, and registration renewal requirements.

The nexus between MDE and the Judiciary on this issue occurs primarily in landlord/tenant cases. In order to file a Failure to Pay Rent complaint, landlords solemnly affirm under the penalty of perjury, *inter alia*, whether or not the property in question is an Affected Property. If so, the landlord must include an inspection certificate number and a statement that the certificate is valid for the current tenancy, or is subject to an exemption, or the tenant refused access for abatement work to be performed. The landlord must also state that the registration with MDE is current.

While the court can review the pleadings to ensure that the landlord includes this affirmation on Failure to Pay Rent Forms, the court cannot, and should not, authenticate the veracity of that information.

Below is a brief description of the Rent Court process:

1. When a landlord believes the tenant has not paid rent, the landlord may initiate an action for repossession of the leased property by filing a Failure to Pay Rent Form.

2. Within 5 to 10 days of the filing, a trial is scheduled. During trial, each party will present evidence as to the issue of payment of rent. If the court finds in favor of the landlord, the court may award a judgment for possession of the premises.
3. To effectuate an eviction after a judgment for possession in the Failure to Pay Rent action described above, the landlord must file with the court a Writ of Restitution. The landlord must wait 4 business days after the judgment for possession before they are permitted to file the Writ of Restitution. If granted by the court, the Writ of Restitution will be forwarded to the Sheriff's Office for execution by eviction. If a Writ of Restitution is not filed within 60 days of the date of the Failure to Pay Rent judgment, the Failure to Pay Rent judgment is stricken by the court.

In Fiscal Year 2016, the District Court processed statewide 632,225 Failure to Pay Rent actions resulting in the filing of 223,159 Writs of Restitution. More than 151,000 of the Failure to Pay Rent actions were filed in Baltimore City during FY 2016, resulting in the filing of more than 69,000 Writs of Restitution.

The Judiciary and MDE propose the following:

- The Judiciary will reinforce best practices and provide additional training, if necessary, to ensure judicial staff will alert judges regarding Failure to Pay Rent Forms where the landlord has failed to fill in information on the form to indicate that the property is in compliance with the Lead Paint Risk Reduction Inspection requirements for the property in question.
  - Court staff does not have the authority to reject filings; however, judges may do so in the exercise of their obligation to interpret the law.
- A requirement should be added to the existing statutory language to require the landlord to file a copy of the Lead Paint Risk Reduction Inspection Certificate with the Petition for Warrant of Restitution.
  - If such language is enacted, the Judiciary could send MDE a random sampling of Lead Paint Risk Reduction Inspection Certificates for Affected Properties filed with the Petition for Warrant of Restitution for verification and enforcement.

Thank you again for approving the time extension for submission of this report. If you have any questions or require additional information, please contact me at 410-537-3084 or have a member of your staff contact Terri Wilson, Director, Office of Budget and Infrastructure Financing at 410-537-4155 or via email at [terri.wilson@maryland.gov](mailto:terri.wilson@maryland.gov) or Kelley O'Connor, Assistant Administrator, Government Relations Division at 410-260-1560 or via email at [kelly.oconnor@mdcourts.gov](mailto:kelly.oconnor@mdcourts.gov).

Sincerely,



Ben Grumbles  
Secretary

*Special thanks to our  
Judicial colleagues for  
their collaboration*

cc: The Honorable Mary Ellen Barbera, Judiciary  
The Honorable John Morrissey, Judiciary  
The Honorable Gary Everngam, Judiciary  
The Honorable David Brinkley, DBM  
Mr. Andrew Gray, DLS